

## IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	No. 64218-9-I
Respondent,	)	
	)	DIVISION ONE
v.	)	
	)	
JEFFREY LANDON HOOD,	)	UNPUBLISHED OPINION
	)	
Appellant.	)	FILED: August 16, 2010

PER CURIAM. Jeffrey Hood appeals the sentence imposed following his conviction for failure to register as a sex offender. The court initially sentenced Hood to 43 months' confinement and 36–48 months of community custody. The court and defense counsel both indicated that there did not appear to be any basis for imposing a sentence below the standard range. Shortly thereafter, the court reduced the community custody term to 17 months in order to ensure that Hood's total sentence did not exceed the statutory maximum. Hood contends he must be resentenced because the court and defense counsel failed to recognize the court's authority to reduce the confinement portion of his sentence in order to bring his total sentence within the statutory maximum.

The State argues, however, and Hood does not dispute, that a retroactive amendment to RCW 9.94A.701 abolished such authority in cases where the statutory maximum can be accommodated by reducing the community custody portion of the sentence. The amendment provides that, "[t]he term of community custody . . . shall be reduced . . . whenever an offender's standard range term of confinement in combination with the term of community custody exceeds the

statutory maximum][.]” (emphasis added) RCW 9.94A.701(8).<sup>1</sup> This language supports the court’s decisions in this case. Because Hood does not dispute the amendment’s application to this case or the State’s interpretation of its language, we reject his challenge to his sentence and his representation below.

Affirmed.

For the court:

Spencer, J.

Leach, a.c.j.

Cox, J.

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<sup>1</sup> Effective June 10, 2010, RCW 9.94A.701(8) *recodified* as RCW 9.94A.701(9) (Laws of 2010, ch. 224, § 5).